

REMARKS

The Examiner's Office Action of July 16, 2003 has been received and its contents reviewed. Applicants would like to thank the Examiner for the consideration given to the above-identified application, and for indicating the allowance of claims 28-40 and 55-63.

By this Amendment, claims 29-33, 35-41, 45, 47-48, 55-63 have been amended, and new claims 64-74 have been added. Accordingly, claims 28-41, 45, 47, 48 and 55-74 are pending for consideration, of which claims 28, 30, 34, 37, 41, 55 and 58 are independent. By the actions above and the remarks below, Applicants respectfully request reconsideration and allowance of all the pending claims.

Referring now to the detailed Office Action, claim 41 stands objected to as containing informalities. Specifically, the Examiner contends that the language "has a structure that each of active layers is sandwiched by each of first wiring lines and each of second wiring lines through each of insulating layers" in claim 41 contains improper grammar. In response, Applicants have amended claim 41 as suggested by the Examiner. Similarly, claims 55 and 58 have also been amended to clarify the claim language.

Claims 47 and 48 stand rejected under 35 U.S.C. §112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Particularly, claims 47 and 48 improperly depend from canceled claims 42 and 43. In response, Applicants have amended claims 47 and 48 to remove the dependency on canceled claims 42 and 43.

Independent claim 41 and its dependent claim 45 stand rejected under 35 U.S.C. §103(a) as unpatentable over Lee et al. (U.S. Patent No. 6,225,150 – hereafter Lee) in view of Vu et al. (U.S. Patent No. 5,702,963 – hereafter Vu). In response, Applicants have amended independent claim 41 to further include allowable features of amended claims 55 and 58. Specifically, amended claim 41 recites that each of the active layers includes a low concentration impurity region that is in contact with each of channel formation regions, each of the low concentration impurity regions is formed to overlap each of the first wiring lines and not to overlap each of the second wiring lines, and at least one of the second wiring lines has a portion being a laminate of a first conductive layer and a second conductive layer, and a portion being a laminate of the first conductive layer, the second conductive layer and a third conductive layer, as shown above.

The requirements for establishing a *prima facie* case of obviousness, as detailed in MPEP § 2143 - 2143.03 (pages 2100-122 - 2100-136), are: first, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to combine the teachings; second, there must be a reasonable expectation of success; and, finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.

Lee and Vu do not teach, disclose, or suggest the above-discussed amended features in claim 41.

Claim 58 has been amended to avoid inconsistency with the specification. Support for the amendment of claim 58 can be found at least in, e.g. page 20, paragraph [0026], and Fig. 1A. Similarly, claims 30, 37, and 41 have also been amended, as shown above.

New dependent claims 64-74 have been added to further complete the scope to which Applicants are entitled.

In view of the amendments and arguments set forth above, Applicants respectfully request reconsideration and withdrawal of all the pending objection and rejections.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted,



Jeffrey L. Costellia
Registration No. 35,483

NIXON PEABODY LLP
Suite 900, 401 9th Street, N.W.
Washington, D.C. 20004-2128
(202) 585-8000